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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BUNDOO KHAN USA LLC,
Plaintiff,
vs.
OMAR'S CHICKEN N WAFFLES, LLC,
Defendant.

Case No. 8:22-cv-00801-SPG-JDE
**STIPULATED JUDGMENT BY
CONSENT AND PERMANENT
INJUNCTION AS TO DEFENDANT
OMAR'S CHICKEN N WAFFLES,
LLC**

1 Pursuant to the parties' Stipulation for Entry of Judgment and Permanent
2 Injunction Pursuant to Settlement Agreement as to Defendant Omar's Chicken n
3 Waffles, LLC ("Defendant"),

4 **IT IS ORDERED, ADJUDGED AND DECREED, AS FOLLOWS:**

5 1. The Court has personal jurisdiction over the Defendant. The Court also
6 has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28
7 U.S.C. §§ 1331, 1338(a) and 1367.

8 2. Plaintiff Bundoo Khan USA LLC ("Plaintiff") is the owner of the MAK
9 AL HAAJ BUNDOO KHAN Mark, registered in the U.S. Patent and Trademark
10 Office, Registration No. 6,623,887 (the "BUNDOO KHAN Mark"). Plaintiff uses
11 its BUNDOO KHAN Mark in connection with the operation of restaurants and the
12 provision of restaurant services.

13 3. In or about October 2021, Defendant opened a restaurant under the name
14 BUNDU KHAN in Pittsburgh, California.

15 4. On April 12, 2022, Plaintiff filed this lawsuit against Defendant for: (1)
16 trademark infringement; (2) false designation of origin; (3) trademark dilution; (4)
17 common law unfair competition; (5) false advertising; (6) California state unfair
18 competition; and (7) California state trademark dilution; and (8) common law unfair
19 competition related to Defendant's infringing use of the mark BUNDU KHAN,
20 which Plaintiff alleges infringes upon its rights in its BUNDOO KHAN Mark. On
21 June 1, 2022, Defendant filed its Answer to the Complaint and on June 17, 2022,
22 Defendant filed its amended answer to the Complaint.

23 5. Defendant's use of the BUNDU KHAN Mark was undertaken without
24 Plaintiff's consent or authorization.

25 **NOW, THEREFORE, IT IS FURTHER ORDERED, ADJUDGED, AND
26 DECREED, AS FOLLOWS:**

27 A. Final judgment is entered in favor of Plaintiff and against Defendant on
28 Plaintiff's claims in the amount of \$75,000 (seventy-five thousand dollars).

1 B. Upon the entry of this Judgment, Defendant and its officers, agents,
2 servants, employees, and those persons acting in concert or participation with
3 Defendant shall be permanently enjoined from:

4 i. Using the BUNDU KHAN Mark and any reproduction,
5 counterfeit, copy, colorable imitation or variations of the
6 BUNDOO KHAN Mark in connection with the operation of a
7 restaurant, the provision of restaurant services, the sale of food
8 items or in connection with the operation, advertisement,
9 promotion or marketing of a restaurant or food service business;

10 ii. Engaging in any course of conduct likely to cause confusion,
11 deception, or mistake, or dilute the distinctive quality of the
12 BUNDOO KHAN Mark;

13 iii. Using a false description or representation including words or
14 other symbols tending to falsely describe or represent
15 Defendant's unauthorized goods or services as being those of
16 Plaintiff or sponsored by or associated with Plaintiff;

17 iv. Effecting any assignments or transfers, forming any new entities
18 or associations, or utilizing any other device for the purpose of
19 circumventing or otherwise avoiding the prohibitions set forth
20 herein.

21 C. That Defendant, within five (5) days of the entry of this Judgment, shall
22 take all steps necessary to cease all use of, and to remove all references to, the
23 BUNDU KHAN Mark and any reproduction, counterfeit, copy, colorable imitation
24 or variation of the BUNDOO KHAN Mark from Defendant's business locations,
25 signage, menus, websites, social media pages, advertising, promotions or marketing
26 materials.

27 D. The parties, and any person bound by this Final Judgment and
28 Permanent Injunction, shall be subject to the jurisdiction of this Court in connection

1 with any dispute relating to enforcing the terms of this Final Judgment and Permanent
2 Injunction.

3 E. Each party shall bear their own attorney's fees and costs.
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5 **IT IS SO ORDERED.**

6
7 Dated: April 24, 2023



HON. SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

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